

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

FC 2010-004253

10/12/2010

HONORABLE THOMAS L. LECLAIRE

CLERK OF THE COURT

D. Ganther

Deputy

IN RE THE MATTER OF
WILLIAM BRYAN WILKERSON

DAVID LEE GOLDFARB

AND

AMY J LEWIS

SHANNON BRADLEY

AZ DEPARTMENT OF VITAL
RECORDS
COMM. MCGUIRE
FAMILY COURT SERVICES-CCC

MINUTE ENTRY

Courtroom ECB 911

Prior to commencement of today's proceedings, Petitioner's Exhibits 1 through 5 were marked for identification.

11:37 a.m. This is the time set for Return Hearing regarding Petitioner's Verified Motion for Pre-Decree Temporary Orders, filed on September 10, 2010. Petitioner (hereinafter referred to as "Father"), William Bryan Wilkerson, is present with above-named counsel. Respondent (hereinafter referred to as "Mother"), Amy J. Lewis, is present with above-named counsel.

A record of the proceedings is made by audio and/or videotape in lieu of a court reporter.

The Court has been informed that the parties have reach agreement regarding paternity, child custody, and parenting time.

The agreement is stated and discussed on the record in open court.

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

FC 2010-004253

10/12/2010

William Bryan Wilkerson, having previously been sworn, states that he understands the agreement stated on the record, that he is entering the agreement with the assistance of his attorney without coercion or duress, and that he agrees to be bound by the agreement until further order of the Court.

Amy J. Lewis, having previously been sworn, states that she understands the agreement stated on the record, that she is entering the agreement with the assistance of her attorney without coercion or duress, and that she agrees to be bound by the agreement until further order of the Court.

Based upon the testimony presented,

THE COURT FINDS that the parties have knowingly, willingly, and intelligently entered into a binding agreement which is not unfair and is reasonable and in the best interest of the parties' minor child, and is enforceable by the Court. Therefore,

For the purposes of Rule 69, Arizona Rules of Family Law Procedure,

IT IS ORDERED approving and adopting the agreement of the parties entered in open court this day.

Based upon genetic test results,

THE COURT FINDS that William Bryan Wilkerson is the natural father of the minor child, Logan James Lewis, born on August 30, 2010, to Amy J. Lewis.

IT IS ORDERED declaring William Bryan Wilkerson is the natural father of the minor child, Logan James Lewis, born on August 30, 2010, to Amy J. Lewis.

IT IS FURTHER ORDERED that a new amended or supplemented birth certificate for the minor child shall be prepared and issued to reflect the true paternity of the child if the name of the natural father does not now appear on the original certificate, and to reflect the name of the minor child as **Logan James Lewis-Wilkerson** on the original certificate.

IT IS FURTHER ORDERED that the parties shall take all necessary steps to have the birth certificate of the minor child amended in accordance with this order if the correct information does not now appear on the original certificate. Information for amendment of an Arizona birth certificate may be obtained from the Office of Vital Records, Department of Health Services, 1818 West Adams Street, Phoenix, Arizona 85007, (602) 364-1300. A certified copy of this minute order may be obtained after ten days of receipt of same, and shall then be provided, together with all

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

FC 2010-004253

10/12/2010

other required documents and fees, to the Office of Vital Records, so that the birth certificate can be amended or supplemented as ordered herein.

Upon stipulation of the parties,

IT IS ORDERED that the parties shall equally share the cost of genetic testing, which was \$380.00. Each party's portion of the cost for genetic testing is \$190.00 each.

IT IS FURTHER ORDERED that, on a temporary basis, the parties shall have joint legal custody of the minor child, Logan James Lewis-Wilkerson.

IT IS FURTHER ORDERED that Father shall have parenting time with the minor child, Logan, as follows:

- Beginning October 12, 2010: Father shall have parenting time on Tuesday and Thursday from 5:00 p.m. until 8:00 p.m. and every Saturday from 10:00 a.m. until 4:00 p.m. Father shall pick up the child at 10:00 a.m. and Mother shall retrieve the child at 4:00 p.m.
- Beginning November 8, 2010: Father shall have parenting time on Tuesday and Thursday from 5:00 p.m. until 8:00 p.m., Mother shall drop off the child at 5:00 p.m.
- Beginning November 19, 2010: Father shall have parenting time on alternating weekends from Friday at 8:00 p.m. until Sunday at 8:00 p.m. Mother shall drop off the child at 8:00 p.m. on Friday and Father shall drop off the child at Mother's residence at 8:00 p.m. on Sunday.
- Thanksgiving: Father shall have parenting time on the Sunday following Thanksgiving to make up for his parenting time because Mother will be out-of-state on Thanksgiving.
- Christmas: Father shall have parenting time from 8:00 p.m. on December 23, 2010 until 7:00 a.m. on December 25, 2010.
- New Year's Eve: Father shall have parenting time from 8:00 p.m. on December 31, 2010 until 8:00 p.m. on January 1, 2011.

IT IS FURTHER ORDERED that Father shall pay to Mother as and for child support the sum of \$204.00 per month directly on the 1st day of each month, commencing September 1, 2010.

The parties agree that Father shall receive credit for the month of September 2010 and the October 2010 payment shall be paid before October 31, 2010.

IT IS FURTHER ORDERED for income tax purposes that Mother is entitled to claim the

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

FC 2010-004253

10/12/2010

child as a dependent for 2010.

Upon request of Petitioner,

IT IS ORDERED quashing the Order of Protection issued against Respondent on July 6, 2010.

IT IS FURTHER ORDERED approving and settling formal written Hearing Order Regarding Order of Protection signed by the Court this day.

IT IS FURTHER ORDERED vacating the hearing regarding Order of Protection set on **November 20, 2010 at 2:30 p.m.** before Commissioner McGuire.

ISSUED: Hearing Order Regarding Order of Protection

LET THE RECORD REFLECT that the parties receive a copy of the aforementioned document in open court.

TRIAL SETTING

IT IS ORDERED setting Trial to the Court regarding Petitioner's Petition to Establish Paternity, Child Custody, Parenting Time, and Child Support (filed on September 1, 2010) and Respondent's Response thereto (filed on September 17, 2010) on **January 12, 2011 at 1:30 p.m. (2 hours)** in this division before:

**The Honorable Thomas L. LeClaire
Maricopa County Superior Court
East Court Building
101 W. Jefferson
9th Floor, Courtroom 911
Phoenix, AZ 85003**

Failure of a party to appear may result in the court allowing the party who does appear to proceed by default. Failure of both parties to appear may result in this action being dismissed.

IT IS FURTHER ORDERED:

1. **Time Allotted.** Pursuant to Rule 77(C)(5), Arizona Rules of Family Law Procedure, each party presumptively will be allowed half of the available time to present all direct, cross and redirect examination and any argument. For each hour of trial time, this court

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

FC 2010-004253

10/12/2010

generally allocates 25 minutes to each party. The parties are expected to complete the trial in the allotted time. If a party believes that more trial time is needed, he or she must file a motion at least 30 days before the trial setting forth good cause to enlarge the trial time. Failure to timely file such a motion will be deemed a waiver of any argument that more trial time is needed.

2. **Pretrial Statements.** The parties shall file and provide this Division with a copy of a **Joint Pretrial Statement** or **Separate Pretrial Statements** pursuant to Rule 76, Arizona Rules of Family Law Procedure, no later than 5 days before trial.

The Pretrial Statement shall include:

- a. All information required by Rule 76.
- b. A description of each disputed issue the court must decide, and a statement of each party's position on that issue. Absent good cause shown, failure to list an issue in the Pretrial Statement will be deemed a waiver of that issue.
- c. If there are disputed custody or parenting time issues, a specific proposal for custody and parenting time.
- d. If there are disputed child support issues, a current Parent's Worksheet for Child Support Amount completed by each party.
- e. If there are disputed issues regarding property and debt, a detailed Inventory of Property and Debts, including each party's proposed division of property and debts.
- f. If spousal maintenance is requested and disputed, each party shall state the amount and duration of spousal maintenance requested.
- g. A list of witnesses to be called at trial. Absent good cause shown, failure to list a witness will result in that witness being excluded.
- h. A list of exhibits to be used at trial. Absent good cause shown, failure to list an exhibit will result in that exhibit being excluded.
- i. A list of objections to the other party's exhibits. Any objection not listed in the Pretrial Statement will be deemed waived.

3. **Trial Exhibits.** Exhibits for use at trial shall be delivered to the Clerk of this Division at least **five (5) days** before trial for marking. **If exhibits are not delivered to the**

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

FC 2010-004253

10/12/2010

Clerk five days in advance, you may be required to use trial time for the marking of exhibits. In addition, each party shall deliver a copy of his/her exhibits to the opposing parties at least five days before trial.

The parties should also provide a copy of exhibits to the judge on the day of the trial. This allows the judge to see the exhibits at the same time they are being presented to witnesses.

4. **Settlement.** Counsel and the parties are reminded of their obligation to give prompt notice of any settlement to the court as required by Rule 70, Arizona Rules of Family Law Procedure. If the parties reach a full settlement before trial, the court will vacate the trial only if (1) it receives a Notice of Settlement pursuant to Rule 70, Arizona Rules of Family Law Procedure, or (2) both parties inform the court of the settlement in an on-the-record telephonic conference. Oral notification to court staff or voicemail messages left with the court are insufficient. If the parties desire to place agreements on the record, they should contact this Division to schedule a telephonic conference.

5. **Continuances.** Motions to continue the trial filed more than 30 days before trial will not be granted absent a showing of good cause. Motions to continue the trial filed less than 30 days before trial will not be granted absent a showing of extraordinary circumstances.

6. **Disclosure and Discovery.**

a. Both parties shall complete all disclosure required by Rules 49, 50 and 91, Arizona Rules of Family Law Procedure, including an exchange of all relevant information, documents and exhibits at least 30 days prior to trial.

b. All depositions and discovery contemplated by Rules 49 through 65, Arizona Rules of Family Law Procedure shall be completed 15 days before trial.

7. **Discovery And Other Pre-Trial Disputes.** If the parties have a dispute concerning discovery matters, or any other pre-trial dispute that requires court intervention, they may contact this division to schedule a telephonic conference before filing formal discovery motions. Before such telephonic conference, counsel or the parties shall personally consult with each other to either resolve the dispute or narrow the issues.

8. **Trial Record.** All court proceedings are recorded by audio method and not by a court reporter. Any party may request the presence of a court reporter by contacting this division five (5) business days before the scheduled hearing.

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

FC 2010-004253

10/12/2010

IT IS FURTHER ORDERED signing this minute entry as a formal written Decree of Paternity and Order of the Court pursuant to Rule 81, Arizona Rules of Family Law Procedure.

/s/ Thomas L. LeClaire

THOMAS L. LECLAIRE
SUPERIOR COURT JUDGE

12:01 p.m. Matter concludes.

LATER:

LET THE RECORD REFLECT that MCSO-OIC has been sent a copy of the following document by facsimile transmission this date:

Hearing Order Regarding Order of Protection

This case is eFiling eligible: <http://www.clerkofcourt.maricopa.gov/efiling/default.asp>

All parties representing themselves must keep the Court updated with address changes. A form may be downloaded at: <http://www.superiorcourt.maricopa.gov/SuperiorCourt/Self-ServiceCenter>.